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COMMITTEE ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Eighth (extraordinary) session

SUMMARY RECORD OF THE 2nd MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 11 May 1993, at 10 a.m.

Chairperson: Mr. ALSTON

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The meeting was called to order at 10.25 a.m.

ORGANIZATION OF WORK (agenda item 2) (continued)

1. The CHAIRPERSON informed the Committee that the delegation of Uruguay would be unable to present its report during the current week; subject to acceptance by the delegation, he suggested that consideration of the report should be deferred to the last week of the session. He once again deplored the fact that a number of States parties made last-minute requests for consideration of their country's report to be deferred, thereby disrupting the organization of the Committee's work.

2. Mr. SIMMA said he understood that the German authorities had asked for consideration of Germany's report to be deferred because of the delay in receiving the list of issues drawn up by the pre-sessional working group; it appeared that the list, which had been drawn up in January, had only reached the Permanent Mission of Germany in March. The Secretariat might be asked to provide the Committee with a schedule showing exactly when the lists of issues had been dispatched to the delegations concerned.

3. The CHAIRPERSON endorsed that request, and expressed the hope that the Secretariat would be able to provide the information at one of the next meetings.

4. Mrs. AHODIKPE, after noting with regret that a number of documents had been distributed in English only, suggested that time should be set aside for the Committee to discuss the important and topical issue of the rights of refugees.

5. The CHAIRPERSON said that he, too, regretted that not all the documents had been translated into the languages of members of the Committee. The bulk of the documentation was drafted in English and he understood that the translation services were overloaded; some of the summary records of the Committee's previous session had not yet been translated. He assured Mrs. Ahodikpe that, if it proved necessary, the important passages of an untranslated document would be read out and orally interpreted. He saw no reason why the Committee should not consider the economic, social and cultural rights of refugees within the framework of a general discussion; Mrs. Ahodikpe's suggestion would be borne in mind when the subject of a future general discussion was being chosen.

6. Mr. KOUZNETZOV (Secretary of the Committee) said that all the Committee's working documents existed in English, French, Russian and Spanish. The documents referred to by Mrs. Ahodikpe emanated from bodies other than the Committee, and were distributed by the Secretariat to members for information purposes even if they had not yet been translated into all the required languages.

7. Mr. ZACHARIEV (United Nations Educational, Scientific and Cultural Organization) said he wished to inform the Committee of some UNESCO activities of interest to it, notably in the domain of human rights education. Referring to certain milestones in that connection, he said that, at its eighteenth session in 1974, the General Conference had adopted a

Recommendation concerning Education for International Understanding, Cooperation and Peace and Education relating to Human Rights and Fundamental Freedoms. An International Congress on Teaching of Human Rights had been held in Vienna in 1978. Against the backdrop of a changing international situation, an International Congress on Human Rights Teaching, Information and Documentation had been held in Malta in 1987.

8. At its coming twenty-seventh session, the General Conference would, under UNESCO's Major Programme Area V, be called upon to consider Programme V.2, entitled "Peace, human rights, democracy and the elimination of all forms of discrimination". The aims of the programme were to promote the development of a culture of peace and devise innovative methods for the early prevention and peaceful management of conflicts; to assist in the further development of human rights and fundamental freedoms, with special emphasis on new prospects in human rights and international law, and on the promotion of cultural rights, including those of persons belonging to minorities, and of academic freedom; to contribute to the consolidation of democratic processes through the analysis of various experiences and exchanges of information; to continue the efforts for developing a comprehensive system of education and training for peace, human rights and democracy, embracing all levels of education, formal and non-formal; to strengthen the Associated Schools Project (under which more than 2,300 schools in some 120 Member States were taking part in cultural exchanges and being familiarized with UNESCO's action in the area of human rights); to improve the knowledge concerning new forms of discrimination; to contribute to the development of relations of equality between men and women, facilitate women's access to social, political, economic and cultural life, and prevent discrimination and violence against them; and to reinforce UNESCO's contribution to the building of a non-racial and democratic society in an apartheid-free South Africa.

9. He then called the attention of members of the Committee to the International Congress on Education for Human Rights and Democracy, organized by UNESCO and the Centre for Human Rights, in collaboration with the Canadian National Commission for UNESCO, from 8 to 11 March 1993 in Montreal (Canada). The Congress had adopted a World Plan of Action, the text of which, provisionally available in English only, he was placing at the disposal of members of the Committee. The World Plan of Action was addressed, among others, to: individuals and groups, families and institutions, teachers and students, employers and unions, political parties and non-governmental organizations, States and United Nations specialized agencies, in other words, both to victims of human rights violations and to champions of human rights and democracy. It constituted a framework within which the various participants would prepare specific activities or decisions. It laid stress on education for human rights, and sought to promote universal knowledge of all the international human rights instruments, and of the rights and responsibilities of individuals. It also focused on learning as the means of eliminating human rights violations and building peace on the foundations of democracy, development, tolerance and mutual respect. The major strategies proposed comprised: the development and distribution by UNESCO of a standard form for implementation and assessment of the Plan; the development of national, regional and international networks to produce programmes, devise methods and exchange information; to ensure access to up-to-date documentation and information and to convene regional and global conferences. In addition,

the Plan of Action set out the main lines and levels of action, laying stress on education for human rights and democracy in both formal and non-formal settings; it identified objectives, notably in the areas of research, information and documentation, as well as the obstacles that must be overcome. Among the latter, he cited the absence of political will, the dangers of marginalization of the process of imparting knowledge about human rights and the use of certain unsuitable methodologies.

10. In addition, the International Congress on Education for Human Rights and Democracy had identified the main lines of a contribution to the preparation of a declaration on academic freedoms and human rights. UNESCO had organized little over a year before a European Conference on academic freedoms and university autonomy, which had, inter alia, considered the subject of educational content and methodology and the need for universities to be able to collaborate with their counterparts in other countries. In conclusion, he pointed out that in three months' time, UNESCO would be adopting a final programme encompassing all the elements to which he had just referred. He thanked the members of the Committee for their attention and said that he was at their disposal for any documents that interested them.

11. The CHAIRPERSON said he wished to thank the representative of UNESCO for his statement, but had a number of comments to make on the Plan of Action and on UNESCO's activities in general. He confessed that he had rarely come across a document so devoid of substance: that, unhappily, was a measure of UNESCO's inability to do anything concrete and constructive about education on human rights. In the first place, the registering of initiatives undertaken by different and unrelated bodies was pointless. Secondly, the development of active national, regional and international networks was certainly desirable; but the Plan of Action seemed to suggest that such networks would be self-generating, and made no mention of any role to be played by UNESCO in that connection. Thirdly, with regard to information and documentation, he said that he could think of no significant document on human rights published by UNESCO during the past 10 years. Fourthly, the convening of innumerable regional and global conferences deserved a mention in the annals of bureaucracy; he was reminded of Arthur Koestler's story, "The Call-Girls", which pictured the worldwide peregrinations of a group of academics, uttering the same platitudes everywhere. He wished it to be clear that he was not merely voicing a personal opinion; his views were shared by experts who had examined the Plan of Action in Canada, where the Congress had been held, and who were bitterly disappointed, as were numerous other defenders of human rights. It might well be asked whether education relating to human rights still had a place in UNESCO's programme. The time had perhaps come for the Centre for Human Rights to draw up its own programme in that domain.

12. In conclusion, he stressed that his criticisms were not addressed personally to the representative of UNESCO, and that he continued to support the bulk of UNESCO's activities in other fields.

13. Mrs. BONOAN-DANDAN said that in the light of her experience at UNESCO's Regional Office in Bangkok, she endorsed the Chairperson's comments, and wished to voice her keen disappointment at the bureaucratic fashion in which UNESCO continued to operate.

14. Mr. ZACHARIEV (United Nations Educational, Scientific and Cultural Organization), while recognizing that members of the Committee had grounds for disappointment and harsh criticism of UNESCO, said he believed that their remarks also held true for the United Nations system as a whole. Admittedly UNESCO's action had not always been effective, but he considered that one of its greatest failings was its inability to publicize what it actually did. UNESCO had always endeavoured to diversify its partners and involve the international community in its work with a much smaller staff than that of the European Communities or the Council of Europe to cover the whole world. One of UNESCO's principal functions was to serve as a framework for action undertaken jointly with other organizations. Its field of action was not limited to publications or to studies, some of which had been rejected by member States, but not by the scientific community or those familiar with human rights. He recalled the Associated Schools Project, which had achieved considerable success, as well as the UNESCO clubs, and said he could give a list of many UNESCO activities about which regrettably little was known. Only UNESCO's publications and conferences were well-known on account of the preconceived idea that the organization was merely a forum for conferences and meetings. The role of those conferences should not be underestimated, since they had drawn attention to ideas in a number of areas, including human rights. He did not yet know what the outcome of the Montreal Conference would be, but the Plan of Action would be submitted to the Vienna Conference.

15. Mr. TEXIER said he did not wish to pass judgement on UNESCO, with which he was not very familiar, but merely to comment on human rights education, which was generally recognized as a basic priority. Anyone who had been on mission in the field, particularly in countries moving from dictatorship to democracy or from war to peace realized that education in the field of human rights was an in-depth education and the only means of ensuring lasting democracy. He therefore proposed that a basic document containing general recommendations on the teaching of human rights should be drafted, since the Centre for Human Rights was overwhelmed by requests from the whole world relating, in particular, to human rights training, the drafting of new constitutions and the establishment of a civil police force and an independent legal system. Such a document would provide a basis for general recommendations to the Human Rights Committee and to other United Nations bodies and UNESCO.

16. The CHAIRPERSON welcomed that constructive proposal. In his view, it would be useful for the Committee on Economic, Social and Cultural Rights to undertake serious work in the field of human rights education. While nobody questioned the vital importance of that area, there was a tendency to urge others to take action instead of taking the initiative oneself. The Committee should see what specific steps it could take and make a number of suggestions along those lines. He proposed that the last Wednesday of each session should be set aside to deal with the matter.

17. With regard to urgent matters concerning the practical arrangements for the session, he wished to point out, firstly, that members of the Committee were entitled to a United Nations attestation, confirming their status as experts.

18. Mr. ALMAREZ VITA asked whether the document was a United Nations attestation, passport or laissez-passer and what specific facilities it would offer members of the Committee.

19. The CHAIRPERSON said that the document could be used solely for travel purposes. Members of the Committee were independent experts and as such not entitled to a United Nations passport or laissez-passer on the same conditions as staff members.

20. Mr. WIMER ZAMBRANO said that it would be desirable for a proper laissez-passer to be issued for the missions which members of the Committee were to undertake, for instance, in Panama.

21. The CHAIRPERSON said the position of the special rapporteurs might be relevant and he would look into the matter. The Secretariat would be contacted so as to ensure that experts received the most appropriate document.

22. Turning to a procedural matter, he suggested, for the sake of efficiency, that the Committee should hold a closed meeting for the adoption of its concluding observations on the reports. In the absence of any objection, he would take it that the members of the Committee agreed that the concluding observations should be adopted at a closed meeting.

23. It was so decided.

24. Mr. TEXIER noted that no meetings were scheduled for three days because of delays in the submission of reports by State parties. He was very disturbed by the situation, which should be the subject of a formal protest in the report of the session. It was, in his view, unacceptable to waste so much United Nations time and money.

25. Mr. KOUZNETZOV and Mrs. JIMENEZ BUTRAGUEÑO agreed with Mr. Texier. Whatever form the Committee's reaction took, it must be firm so as to make it clear to the Economic and Social Council that the delay in the Committee's work was not attributable to the experts, but to the Governments of certain Member States. The Committee was obliged to react in that way if it wished to retain its credibility when requesting the holding of extraordinary sessions in future.

26. Mr. WIMER ZAMBRANO said he considered, like previous speakers, that a protest should be drafted and steps taken to deal with what was tantamount to a lack of respect towards the Committee. It might be useful to prepare a draft resolution that the Committee could use in dealing with similar cases in future. The work programme would need to be made a little more flexible so that certain debates could be brought forward, if necessary, thereby obviating the need to cancel any meetings.

27. Mr. SIMMA endorsed the remarks of previous speakers. However, in his view, it was important not to lose sight of the fact that Governments might have different reasons for submitting their reports late. As mentioned earlier, they might have received the list of issues to be covered fairly late or, as in the case of the present session, have been preoccupied with their preparations for the World Conference on Human Rights to be held shortly.

Whatever the case, a draft resolution needed to be prepared, drawing the attention of the Economic and Social Council to the fact that the States parties, not the experts, were responsible for the delay.

28. Mr. GRISSA also deplored the situation in which certain States parties had placed the Committee and suggested that, in future, reports should be considered even if the States parties were unable to send representatives to reply to members' questions.

29. The CHAIRPERSON said that several options were open to the Committee. First, it could prepare a draft resolution for the Economic and Social Council. Secondly, it could draw up a timetable ensuring that the list of issues to be covered was sent out in good time to States parties. Lastly, as Mr. Grissa had suggested, the Committee might decide to change the procedure hitherto followed and make it clear that once a State party had accepted the date proposed by the Committee for the consideration of its report, it could not request a change in the date within six months of the original deadline. Otherwise, the Committee would consider the report, with or without the representatives of the State party. He considered that such a measure would be reasonable.

30. Mr. SIMMA urged caution, since the States parties should have a reasonable period in which to decide whether or not they could provide an adequate reply to the questions raised by the Committee in its list of issues.

31. The CHAIRPERSON observed that the States parties could not take the Committee's procedure seriously unless the Committee itself was more demanding. At present, the States parties did not attach any priority to answering the Committee's questions. If the Committee were to rule out the possibility of postponing consideration of reports, the matter would inevitably become a priority question for States parties. He therefore proposed that the Committee should take a stricter line; he would submit a more definite proposal on the subject to members of the Committee in due course.

32. He also wished to take up the matter of the information made available to the Committee by non-governmental organizations. Without going too far back in time, it was worthwhile taking a brief look at the historical background to relations between the non-governmental organizations, States and international organizations. During the cold war, the work of non-governmental organizations was not facilitated by States since the two main blocs had developed the practice of establishing non-governmental organizations which slavishly followed the principles of their respective foreign policies. Moreover, many non-governmental organizations originated in the north and thus reflected what were essentially Western concerns. With the end of the cold war, many non-governmental organizations were now being set up in the south.

33. Moreover, the General Assembly as well as the Commission on Human Rights had reaffirmed on numerous occasions that in the areas monitored by the treaty bodies any information, irrespective of its source, should be investigated.

34. The Committee on Economic, Social and Cultural Rights had taken a bold step in 1987 and 1988 by deciding to authorize non-governmental organizations to submit written communications. Since then, all the other committees were also requesting information from those organizations. In that connection he referred to the request by a group of Canadian non-governmental organizations and the outcome of his contacts with the Canadian Government, which had raised no objection to the organizations coming to Geneva; they would therefore be heard during the following week.

35. As to the question of the arrangements for the participation of non-governmental organizations in general, he suggested a compromise solution between the two extremes of accepting written communications from those organizations or hearing their views on the same footing as Governments, which might lead to arguments between the government representatives and those of the non-governmental organizations. Firstly, the Committee would be more pressing in its request for the cooperation of non-governmental organizations. Secondly, it would indicate that its working group was prepared to hear - possibly in a closed meeting - non-governmental organizations wishing to make oral statements. Lastly, it would indicate its willingness to set aside a certain amount of time during its sessions to hear the views of a non-governmental organization of its choice. The last phase of that proposal would be the most difficult to implement. It would be preferable for the oral statements by non-governmental organizations not to be included in the summary records; that would avoid the risk of offending Governments by recording information which might prove controversial. The advantage of such an arrangement was that the experts could decide themselves what information they wished to use in framing their questions. That type of exchange took place in any case, but outside the meeting room. The solution he proposed would ensure greater openness and frankness in relation to Governments (which would know which non-governmental organization had said what) as well as offering non-governmental organizations the possibility of coming to Geneva to state their views. In any case, experience showed that the Committee was unlikely to be inundated with requests and that its members would have the opportunity, through the interpretation provided, to hear the statements made by non-governmental organizations in their own language. Finally, the arrangement would have the advantage that the Committee could choose to give the floor to those organizations whose activities were germane to its concerns. The remaining organizations would still have the option of communicating with the Committee in writing.

36. Mr. GRISSA said he was afraid that the multiplication of contacts with non-governmental organizations might cause confusion and complicate the Committee's work, since the session only lasted three weeks. Some organizations, such as Amnesty International or the International Federation of Human Rights, published reports, while other such as the Baha'is had submitted notes; the Committee should therefore make use of those documents. It was not always easy to decide how seriously requests for a hearing from non-governmental organizations should be taken, and there was a danger of embarrassing the countries concerned.

37. Mr. SIMMA, speaking as Chairman of the pre-sessional working group and a member of the Committee responsible for drawing up the list of questions to be put to Canada, said that Canadian non-governmental organizations had

cooperated very effectively with the working group without their contributions being unduly "politicized". He supported the view that they should be heard during the current session. The Government would then not be able to claim that the Committee was basing its conclusions on reports or documents outside its own personal knowledge. If oral statements were made by non-governmental organizations, the Committee and the Government would be in the possession of the same information. Regarding the credibility of those organizations, some of them, for example, Habitat International, had long given evidence of their objectivity and competence.

38. The pre-sessional working group would have to receive the non-governmental organizations at a closed meeting, so that their observations could be taken into account in the list of questions to be put to the Government concerned. If that were done, the Government would thus not be taken by surprise and would have time to draft its own comments to the Committee in the full knowledge of the facts.

39. Mr. TEXIER shared the Chairman's view on the importance of the role of non-governmental organizations, which had in fact demonstrated their serious approach and the benefit derived from their consultative status. They were, of course, free to submit written communications and the Committee had already heard experts from those organizations in connection with a number of specific points, but few of those points were admittedly concerned with economic, social or cultural rights. It would be unfortunate if the Committee were to deprive itself of their contribution, especially since the Committee was in a position to hear only those organizations which appeared credible and to prevent the discussions from degenerating into polemics. The idea of devoting a few hours to a discussion with the organizations was a good one, but it would also be necessary to allow them to express their views during the examination of the situation in a particular country, as was the case for Canada.

40. Although recognized in principle, the importance of non-governmental organizations was by no means reflected in practice. Even in the Commission on Human Rights and in the Sub-Commission on Prevention of Discrimination and Protection of Minorities, non-governmental organizations were sometimes taken to task not only by the States concerned, but also by others who were not even members of those bodies. The Committee itself had a long-term task and did not concern itself with topical political issues. Reputable non-governmental organizations could make a very informative contribution to its work. That was the case for example, with the housing situation in Italy, of which the Committee had been scarcely aware. It was therefore to its advantage to adopt as open an approach as possible to non-governmental organizations.

41. Mrs. JIMENEZ BUTRAGUEÑO supported the Chairman's proposal that one day should be devoted to discussions with non-governmental organizations. It had to be borne in mind, however, that those organizations fell into two categories: those which were concerned with general matters, such as the right to food, and those which were in a position to provide the Committee with information on specific countries and whose viewpoint might be more political.

42. The CHAIRPERSON said that the discussion had clearly shown the need for the Committee to remain master in its own house. The procedure he had proposed would, as Mr. Grissa wished, avoid embarrassing Governments, since there would be no summary records of the discussions held with the non-governmental organizations. It would also ensure that Governments knew the exact source of criticisms and it would prevent some non-governmental organizations from circulating accusations more or less anonymously. The Committee itself would be able to play a much more active role, since it would be in a position, if necessary, to dispute the information supplied, whereas in the past such information - in written form - had been transmitted to the Government concerned on an unofficial basis and in the absence of any dialogue with the non-governmental organization initiating the communication. The new procedure would ensure much greater openness in all respects.

RELATIONS WITH UNITED NATIONS ORGANIZATIONS AND OTHER BODIES ESTABLISHED PURSUANT TO INTERNATIONAL INSTRUMENTS (agenda item 8)

43. Mrs. BONOAN-DANDAN reporting on new developments in the work of the Committee on the Rights of the Child, said that the Committee had begun its consideration of initial reports from States parties. The first six reports examined had been those of Bolivia, Sweden, Viet Nam, the Russian Federation, Egypt and the Sudan. In the case of the reports of the first five countries, the Committee had adopted concluding observations reflecting the main points of discussion and indicating, where necessary, those issues that might acquire a specific follow-up. In the case of Sudan, the Committee had begun its consideration of the report, but due to the complexity of the situation and the problems facing children in that country, it had decided to continue its consideration of that report at its session in September/October 1993 in the light of additional information to be provided by the Government of Sudan.

44. In addition, the Committee on the Rights of the Child had adopted recommendations aimed at ensuring the dissemination of information on the Convention on the Rights of the Child and promoting closer relations between the Committee and other United Nations and treaty bodies. The Committee had also recommended that consideration should be given to the establishment, within the Centre for Human Rights, of a documentation unit on the rights of the child. The Committee had also decided to recommend the Preparatory Committee for the World Conference on Human Rights to address at its fourth session the issue of the involvement of children in armed conflicts. On that specific issue, the Committee on the Rights of the Child had also recommended that the Secretary-General should undertake a study on ways and means of ensuring the protection of children in armed conflicts. It had also envisaged other measures, in particular, encouraging States parties to consider raising the age of recruitment into the armed forces to 18 years. After considering the situation in the former Yugoslavia, the Committee on the Rights of the Child had decided to bring its concern to the attention of the Special Rapporteur of the Commission on Human Rights and to recommend him to take the provisions of the Convention into account in fulfilling his mandate.

45. The Committee on the Rights of the Child, had also decided that its second informal meeting, to be organized in close cooperation with UNICEF, should be held at Bangkok in May 1993. Its fourth session, to be held in Geneva from 20 September to 8 October 1993, would be preceded by a meeting of

a pre-sessional working group in order to identify the main issues that would need to be further discussed at that session with the representatives of the reporting States, namely, Peru, Rwanda, Costa Rica, El Salvador, Indonesia, Mexico and Namibia. The Committee would also be devoting a whole day during its fourth session to the general discussion of the topic "Economic exploitation of the child".

46. The CHAIRPERSON said that the Committee against Torture was considering the possibility of confining its report to the concluding observations, since the content of the discussions had been reflected in the summary records. It had not yet reached agreement on that point, but that appeared to be merely a matter of time.

The meeting rose at 12.50 p.m.